

House Agriculture Committee Amendment No. 1

Amendment No. 1 to HB2808

**Bone
Signature of Sponsor**

AMEND Senate Bill No. 2399*

House Bill No. 2808

FILED
Date _____
Time _____
Clerk _____
Comm. Amdt. _____

by deleting the language of the bill in its entirety and substituting instead the following:

SECTION 1. This act shall be known and may be cited as the "Haley Ham Law."

SECTION 2. Tennessee Code Annotated, Section 68-131-102, is amended by adding the following language as a new, appropriately designated subdivision:

() "Bittering agent" means denatonium benzoate;

SECTION 3. Tennessee Code Annotated, Title 68, Chapter 131, Part 1, is amended by adding the following language as a new section:

§ 68-131-113.

(a) Any and all antifreeze or engine coolant containing at least ten percent (10%) ethylene glycol which is manufactured on or after January 1, 2010, shall contain a bittering agent in a minimum concentration of thirty parts per million (30 p.p.m.) but not to exceed a maximum concentration of fifty parts per million (50 p.p.m.).

(b) No manufacturer, processor, distributor, recycler or seller of antifreeze or engine coolant containing at least ten percent (10%) ethylene glycol which complies with this section in this state shall be liable for any personal injury, death, property damage, environmental damage or economic loss caused by the required inclusion of the bittering agent to such antifreeze or engine coolant. The limitation on liability provided in this subsection (b) does not apply to a particular liability to the extent that the cause of such liability is unrelated to the inclusion of denatonium benzoate in any engine coolant or antifreeze.

(c) The requirements of the section shall not be construed to apply to:

(1) The sale of a motor vehicle that contains engine coolant or antifreeze;

or

(2) Wholesale containers of engine coolant or antifreeze containing fifty-five (55) gallons or more of engine coolant or antifreeze.

(d) Any person violating the provisions of this section commits a Class C misdemeanor, punishable only by a fine of fifty dollars (\$50.00) per occurrence.

(e) Upon a determination by a federal authority that denatonium benzoate is unsuitable for use or a determination by a state authority that denatonium benzoate is unsuitable for use based on a threat to health and safety or the environment, the commissioner of agriculture shall establish by rulemaking hearing as required by the Uniform Administrative Procedures Act, compiled in title 4, chapter 5, part 2, a bittering agent that shall be required instead; provided, however, that the initial rules establishing such bittering agent shall be promulgated as emergency rules in compliance with § 4-5-208.

SECTION 4. This act shall take effect July 1, 2008, the public welfare requiring it.